



CITY COUNCIL					
Steve Tate, Mayor Pro Tempore Larry Carr, Council Member			Dennis Kennedy, Mayor Mark Grzan, Council Member Greg Sellers, Council Member		
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MOBILE HOME RENT STABILIZATION COMMISSION		MORGAN HILL CORPORATION YARD COMMISSION		PARKS & RECREATION COMMISSION	
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PLANNING COMMISSION		SENIOR ADVISORY COMMITTEE		YOUTH ADVISORY COMMITTEE	
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AGENDA

JOINT

SPECIAL CITY COUNCIL MEETING

and

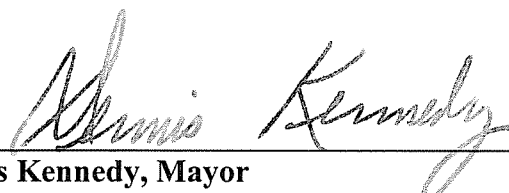
SPECIAL BOARD, COMMISSION, AND COMMITTEE MEETING

WEDNESDAY, NOVEMBER 9, 2005

7:00 P.M.

**COMMUNITY AND CULTURAL CENTER - EL TORO ROOM
17000 MONTEREY ROAD
MORGAN HILL, CA 95037**

A Special Meeting of the City Council and Advisory Boards, Commissions, and Committees is Called at 7:00 P.M. for the Purpose of Conducting an Ethics Training Workshop.


Dennis Kennedy, Mayor

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK. THE CITY CLERK WILL
FORWARD CORRESPONDENCE TO THE CITY COUNCIL.**

WORKSHOP:

Time Estimate

1. 120 Minutes **ETHICS TRAINING WORKSHOP**

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

November 9, 2005

7:00 PM to 9:00 PM

City of Morgan Hill

Ethics Training Workshop

For City Council, Commissions and Committees

Welcome and Introductions and Recognition of the Drafting Committee

Presentation of the Core Values underlying the Adopted Ethics Policy

Committees and Commissions present “ethical issues” that have arisen or might arise in the course of their public responsibilities *

Facilitated discussion using the Values Based Ethics Policy to resolve those ethical issues

Signing Ceremony: Each member of the Council, Commissions and Committees formally affirms their commitment to the Values Based Ethics Policy

* Prior to the workshop, each member of a commission or committee should consider specific examples of actual ethical issues or dilemmas that have been encountered, or a hypothetical example of an issue that might arise in the future. For each example, the member should be prepared to discuss how the issue was actually addressed, and how the Values Based Ethics Policy could be used to resolve the issue in the future.

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP 05-01

SUBJECT: ETHICS POLICY

EFFECTIVE DATE: APRIL 20, 2005; Amended September 7, 2005

ORIGINATING DEPARTMENT: CITY COUNCIL

1. INTRODUCTION

Democratic government can function properly only when the citizenry has confidence in its public officials. Once public trust is damaged, it is difficult to reestablish. As a result, a public agency may not be able to function effectively. Moreover, individual careers or reputations may be irreparably damaged. Hence, it is imperative to foster the highest standards of personal integrity and honesty in discharging public duties. Public officials should never compromise their honesty or integrity for personal gain or advancement. They should remain sensitive to the values of the public they serve.

The citizens, businesses and employees of Morgan Hill are entitled to fair and ethical local government. The ethical operation of local government therefore requires that decision-makers be independent, impartial and accountable. It is the Council's expectation that our city government will act in ways that inspire and retain the trust and confidence of the community we serve.

The City of Morgan Hill has adopted this Ethics Policy to promote the highest standards of personal and professional ethics by individuals charged with carrying on the City's business. This is a "values based" approach to ethical behavior, rather than a rules-based system. It is not intended to address all potential ethical issues which may arise, or to replace the various codes of ethics of professional associations but to supplement those codes.

This Policy articulates values that are designed to ensure the public's confidence by requiring that:

- public officials, both elected and appointed, comply with both the letter and the spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial, and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally required to be confidential, in an atmosphere of respect and civility.

To that end, and to foster the highest standards of integrity and honesty, the City Council of the City of Morgan Hill hereby adopts this Ethics Policy.

2. APPLICATION

All elected and appointed officials are required to subscribe to this Policy, understand how it applies to their specific responsibilities, and practice the core values set forth herein in their public service.

3. CORE VALUES

Representatives of the City of Morgan Hill shall be *ethical*. This means they should endeavor to practice the following core values:

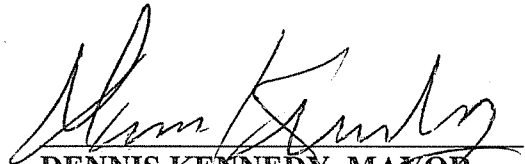
- a) Honesty. I am honest with my fellow elected officials, the public and others. I am prepared to make unpopular decisions when my sense of the public's best interests requires it; and I take responsibility for my actions, even when it is uncomfortable to do so. I am trustworthy.
- b) Respect. I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community. I respect others' time by coming to meetings prepared and offering observations only when I believe it will move the discussion forward. I work to gain value from diverse opinions and build consensus. I am approachable, open-minded and willing to participate in dialog and I work to convey this to others. I recognize government's responsibilities to everyone. I convey the agency's care for and commitment to its community members through my words and deeds. I am attuned to, and care about, the needs and issues of citizens, public officials and agency workers.
- c) Responsibility. I do not accept gifts, services or other special considerations because of my public position. I refrain from any action that might appear to compromise my independent judgment. I support merit-based processes for the award of public employment and public contracts. I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds).
- d) Fairness. I support the public's right to know and participate in the conduct of the public's business. I am impartial when making decisions. I make decisions based on the merits of the issue.
- e) Loyalty. I respect the confidentiality of information concerning the agency's property, personnel and affairs. When presenting my individual opinions and positions, I explicitly state that my opinions do not represent the agency's position and I will not allow the inference that they do.

4. ACCOUNTABILITY

- a) On a yearly basis, all persons subject to this Policy shall sign a statement affirming that they have read and understood the provisions of this Policy.
- b) Violations of this Policy by commission, committee, board members and anyone appointed by the City Council in any manner, may be punishable, in the discretion of a majority of the City Council, by censure, public reproof, removal from appointed position, or, for serious violations warranting criminal charges, referral of the matter to the Santa Clara County District Attorney's Office for prosecution.

This policy shall remain in effect until modified by the City Council.

APPROVED:


DENNIS KENNEDY, MAYOR

DATE:

11/02/2002

CITY CORE VALUES	EXPRESSIONS OF CORE VALUES	POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
Honesty	I am honest with my fellow elected officials, the public and others.	Encouraging open discussion. Fully disclosing my interests in and my motivations for raising the issue. Acknowledging past mistakes, and attempting to correct them.	Being elusive, indirect. Misrepresenting the motives behind my decision.
	I am prepared to make unpopular decisions when my sense of the public's best interests requires it; and I take responsibility for my actions, even when it is uncomfortable to do so.	Becoming knowledgeable of the pros and cons of all issues, and stating clearly on what basis a decision is being made. Questioning the validity of the proposal or position, and being willing to challenge the status quo or the majority to ensure the proper decision is being made for the right reasons.	Not attending meetings to avoid controversial votes. Unwilling to oppose actions just to avoid controversy. Creating "spin" explanations of mistakes. Blaming or ascribing ownership to others.
	I am trustworthy	Going out of the way to build trust. Carefully considering the impact of one's actions on public confidence.	Not being candid. Taking actions that destroy relationships.
Respect	I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.	Actively listening with the intent of truly understanding. If the proposal/issue once opposed now is presented with valid points to convince a reversal in position, acknowledging the validity. Acknowledging the effort whether agree or disagree with the findings.	Being rude, and ridiculing others in public and in private. Ascribing bad motives to those who disagree.
	I respect others' time by coming to meetings prepared and offering observations only when I believe it will move the discussion forward.	Being on-time and prepared. Actively helping the meeting move forward by asking questions, rephrasing statements that are not clear, and making observations to enhance the quality of the debate.	Being unprepared. Monopolizing the conversation; speak off point.

CITY CORE VALUES	EXPRESSIONS OF CORE VALUES	POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
	I work to gain value from diverse opinions and build consensus.	Actively seeking out differing viewpoints and common threads. Encouraging productive debate. Working to craft solutions. Focusing on solving problems.	Refusing to listen/meet/talk/have dialog/interchange. Being unresponsive or ignoring others. Being unwilling to make concessions.
Respect (continued)	I am approachable, open-minded and willing to participate in dialog and I work to convey this to others.	Encouraging input and incorporating it into decisions. Being accessible via all media; expressing a willingness to meet with others. Actively listening.	Using a closed, irritated tone of voice and body language. Unwilling to listen to others' opinions.
	I recognize government's responsibilities to everyone.	Facilitating civil dialogue with all elements of the community.	Being biased, prejudiced or arrogant. Engaging in intimidating behavior. Being indifferent.
	I convey the agency's care for and commitment to its community members through my words and deeds.	Volunteering; being a visible part of the community. Attending and supporting community events that reflect "commitment to community." Publicly honoring those who have contributed to the good of the community.	Never being seen publicly, a "no-show."
	I am attuned to, and care about, the needs and issues of citizens, public officials and agency workers.	Establishing citizen/customer/employee-friendly environment. Being a good listener; understanding others' perspective.	Being unavailable.
Responsibility	I do not accept gifts, services or other special considerations because of my public position.	Not accepting gifts which would influence my decisions. Informing those who might offer gifts of the City's core value.	Being "in the camp of;" affiliating with big bucks folks. Seeking public favors for supporters. Accepting special privileges for influencing others.

CITY CORE VALUES	EXPRESSIONS OF CORE VALUES	POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
	I refrain from any action that might appear to compromise my independent judgment.	Declaring conflicts of interest, or even the appearance thereof.	Leaning toward favoring supporters/friends/contributors. Concealing an action "because others might misunderstand."
	I support merit-based processes for the award of public employment and public contracts.	Keeping the public welfare/benefit foremost in consideration. Ensuring that there are open competitive processes based on appropriate criteria that can be measured.	Lobbying for friends for jobs and contracts. "Rigging" the criteria.
	I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds)	Treating agency assets like a public trust. Assuring processes are attuned to best interests of the City.	Ignoring the consequences of requests on the time or costs imposed on colleagues, staff or city resources.
Fairness	I support the public's right to know and participate in the conduct of the public's business.	Ensuring that meetings include opportunities for all people to provide meaningful input. Being proactive by supporting communication processes that inform the public and forums that encourage input.	Discouraging public input and participation by holding meetings at inconvenient times and locations. Rushing decisions. Not allowing everyone to speak who wishes to do so.
	I am impartial when making decisions.	Articulating clearly that decisions I make or support are based on the merits of the project and not on the relationships or the personalities. Making decisions based on criteria that are objective and meaningful.	Demeaning those who disagree with you. Taking care of those that take care of you.
	I make decisions based on the merits of the issue.	Researching to thoroughly understand all issues including the pros & cons of alternatives. Explaining your decision thoroughly.	Being closed; don't listen, reject out of hand, etc. Appeasing the loudest group.

CITY CORE VALUES	EXPRESSIONS OF CORE VALUES	POSITIVE BEHAVIORS	NEGATIVE BEHAVIORS
Loyalty	I respect the confidentiality of information concerning the agency's property, personnel and affairs.	Seeking guidance when in doubt about the confidentiality of information. Keeping commitments. Honoring the process; respecting the procedures. When change is needed, changing within the system.	Giving out information when it serves my personal purposes even if it hurts others. Making something confidential to avoid controversy or loss of face or to cover up issues that should be public. Using confidential information to gain credibility or to discredit others. Divulging information to selected sources for gain or prestige.
	When presenting my individual opinions and positions, I explicitly state that my opinions do not represent the agency's position and I will not allow the inference that they do.	Declaring conflict of interest on issues or matters for which have or could have personal gain.	Speaking for the agency or any fellow body member without explicit authorization.